IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 22550 of 2007(H)

RCP.54/2005 of MUNSIFF COURT, THALIPARAMBA
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PETITIONER:

M.VADIVELU, S/O.MUTHAYYA, AGED 50 YEARS,
TALIPARAMBA AMSOM DESOM, KANNUR DISTRICT.

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENTS:

AYYAPPASOORA SREEDEVI, D/O. ADVOCATE
THRIVIKRAMA PODUVAL AGED 41 YEARS, RESIDING NEAR
TALIPARAMBA SIVAKSHETHRAM, P.O.TALIPARAMBA,
KANNUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C).NO.22550 OF 2007 (H)

Dated this the 23rd day of July, 2007

J U D G M E N T

KOSHY,J.

Petitioner is a tenant against whom R.C.P.NO.54/2005 was filed. A Commissioner was appointed in the above case. Commissioner filed report on 10.4.2006. After waiting for eight months, on 11.12.2006 objection was filed and a petition to set aside the Commission report. Witness list was filed in 2007. The Rent Control Court rejected the application. R.C.P. was filed in 2005. We are of the opinion that the present petition is filed only to delay the proceedings. Commission report is only a piece of evidence. If petitioner wants, he can adduce independent evidence in support of his contention. In the above circumstances, we see no ground to interfere in a petition filed under Article 227 of the Constitution of India. This

court will not interfere at every intermediate stages of the proceedings of a court below except in exceptional circumstances. Hence this writ petition is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

2nd July, 2007